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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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09/921,803

08/03/2001

Hugh James O'donnell

OT-4812

8340

26096 7590 12/29/2006  
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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

12/29/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/921,803             | O'DONNELL ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Stefan Kruer           | 3654                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 6 - 8 and 16 - 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 - 8 and 16 - 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 6 – 7, 17, 21 and 23** are rejected under 35 U.S.C. 102(b) as being anticipated by Wilcox (4624,097).

Wilcox discloses a method comprising:

- Arranging a plurality of elongate load carrying members (24) in a selected arrangement,
- Coating the load carrying members with a single urethane coating (Col. 2, Line 43) that does not contain wax,
- And using a thermal polyurethane coating (32, Col. 3, Line 59).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox, as applied to Claim 6, in view of Kuo et al (4,585,829).

Though Wilcox reviews the use of an extruder in his manufacturing method and conventional rope making equipment and the use of a non-wax lubricant in the manufacturing process (Col. 4, Line 4), he is silent regarding a mold.

Attention is directed to Kuo et al who teach their mold release agent for the manufacture of polyurethane-based components, wherein commonly used, externally and internally applied release agents, comprising either organic compounds or waxes, are reviewed. Pursuant to the use of waxes, Kuo et al teach its disadvantages due to undesirable residue agents remaining on the surface of the molded material as well as potentially compromising separation from the mold, as overcome by their teaching.

It would have been obvious to one of ordinary skill in the art to modify the reference of Wilcox with the teaching of Kuo et al to utilize a suitable release agent during the molding process for uniform surface characteristics and improved separation.

**Claims 16, 18 – 19, 20 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox, as applied to Claim 6, in view of Aulanko et al (WO 98/29326).

**Re: Claims 16, 18 and 22**, Wilcox discloses his coating of his load carrying members as having a circular cross-section.

Attention is directed to Aulanko et al who teach their polyurethane-based coating of their load carrying members having a rectangular cross-section (Figures 2 – 7, Page 4, Lines 10 – 30), for the features of smaller sheave diameters, uniform application of pressure on the sheaves as well as minimizing the sliding of the load carrying members.

It would have been obvious to one of ordinary skill in the art to modify the reference of Wilcox with the teachings of Aulanko et al for the benefits of reduced drive capacity and weight as well as prolonging the service life of the rope.

**Re: Claim 19**, Wilcox discloses a thermal polyurethane coating.

**Re: Claim 20**, Wilcox discloses a coating a plurality of load carrying members with a single urethane coating.

### ***Response to Arguments***

Applicant's arguments filed 17 October 2006 have been fully considered but they are not persuasive.

Wilcox anticipates the use of either one of several coating materials "...having similar characteristics to HYTREL..." including polyurethane (Col. 2, Line 43) (colloquially known as urethane, thereby comprising or including a urethane group) as referenced above and claimed.

Wilcox anticipates the presence of a "wax" as one of several synthetic lubricants, including but not limited to PTFE, and as recognized as one of several lubricants that have "... the similar effects and performance..." (Line 1 and Table 2, Pg. 2) as "natural occurring waxes" (Exhibit A, Pg. 1) of the reference filed under affidavit by the applicant.

Furthermore, the specification of the instant invention is limiting in its disclosure as to a specific family or type of waxes that are to be precluded as "...typical stearate-based waxes that are routinely added to urethane materials..." (Para. 14). Therefore, applicant's "waxless" urethane coating is absent of stearate-based waxes, only.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olesen et al (4,956,039) is cited for reference of coating a plurality of elongate load carrying members using a thermal polyurethane and review of release properties.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571.272.6928. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK  
18 December 2006

  
PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600